

OPEN CASES (in order by Date Received)

Plaintiff	Defendant(s)	Date Received	Potential* Monetary Impact on the Fund**	Attorney & Program Contact	Issues/Status
CalPERS	Erma S. Myers	10/15/03	Minimal (PERF).	Attorney: Elizabeth Yelland  Program: (BNSD)	A former CHP officer who retired based on industrial disability retirement was videotaped participating in rodeos. The CHP prosecuted her for Workers Comp fraud and the member was ordered to pay restitution to CalPERS. The County D.A. is being contacted concerning the restitution owed.
CalPERS	New York Stock Exchange and seven specialist firms	12/2003	Unknown at this time (PERF)	Attorneys: Peter H. Mixon; Robbins Feller Rudman & Dowd LLP  Program: Eric Baggesen (INVO)	A securities class action against the New York Stock Exchange (NYSE) and its seven trading specialist firms for violation of federal securities laws. In February 2009, the class reached a settlement with the NYSE for, among other things, the NYSE's assistance to the class against the remaining defendants. With regard to the remaining defendants, discovery has begun and the case is ongoing. On March 14, 2009, the Court granted the motion for class certification and appointed CalPERS and Market Street as class representatives. The Court's order defines the class as all persons and entities who submitted orders to purchase or sell NYSE-listed securities during the January 1, 1999 through October 15, 2003 class period. On April 3, 2009, defendants filed a petition to appeal the class certification order. The Second Circuit Court of Appeal has yet to rule on this petition. Meanwhile, the case is progressing with the Court directing the parties to file any motions for summary judgment no later than June 5, 2012.
CCSESA, Glen Thomas, et al.	CalPERS	5/5/07	Unknown at this time (PERF).	Attorney: Wesley Kennedy, Jeff Rieger, Harvey Leiderman (Reed Smith LLP)  Program:	A Writ appealing the Full Board Hearing decision that CCSESA employees were not employees of SJCOE and therefore do not qualify for CalPERS membership was served on January 12, 2010. Case Management Conferences have been held. In a June 9, 2011 hearing on the first part of a two part trial, the Superior Court rejected all Petitioners

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				(RAS)	procedural challenges to the Board's decision. A hearing on a second part of the substantive issues was continued on the court's own motion from September 21, 2011. A new hearing date has been set for November 16, 2011.
CCSESA, Glen Thomas, et al.	CalPERS, Lori McGartland, Ken Marzion and Sharen Scott	8/10/10 (Court of Appeal)  5/19/09 (Superior Court)	Unknown at this time (PERF).	Attorney: Wesley Kennedy, Harvey Leiderman, Jeff Rieger (Reed Smith LLP)  Program: (RAS)	The Plaintiffs seek judicial declarations that: (1) CalPERS' regulations are unconstitutional; and (2) CalPERS has acted unconstitutionally by failing to provide a "pre-deprivation" hearing to one of the individual plaintiffs before determining the amount of his retirement allowance. In Plaintiff's Second and Third Causes of Action, they sought damages from three CalPERS officials, in their individual capacities, for these alleged deprivations of due process. After CalPERS' demurrer to the Complaint was sustained, the appellants appealed to the Court of Appeal. Following oral argument, the Court of Appeal denied Petitioners' appeal and awarded costs and fees in favor of CalPERS. Petitioners have agreed not to seek further review and have paid costs and fees of \$67,000.
Palm Drive Health Care District	CalPERS is a creditor in this action.	1/17/08	Unknown at this time (PERF).	Attorney: John Mikita  Program: (INVO)	This plaintiff is an agency that contracts with CalPERS for health benefits. This Chapter 9 government reorganization case is still pending before the bankruptcy court. The employer is current on its payments to CalPERS.
Steven Bernard, Steven Splendorio and George Drennon et al.  & Richard	City of Oakland	2/22/08	Unknown at this time (PERF).	Attorney: Micki Winsett Gibbs, Robert Leyton (Davis, Writght Tremaine)	Retired firefighters filed a Writ against the City of Oakland seeking to compel the City to make additional contributions towards their health benefits (Gov. Code sec. 2289(c) which was amended by AB 2544). This case was consolidated with the Martinez/City of Union City matter

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Martinez, Hortense Pepper and Daniel Rose	City of Union City	3/24/08		Program: (HPP)	which deals with the same issue. CalPERS intervened and has been joined as a party to this action. CalPERS' brief to the Court of Appeal was filed October 8, 2010. Oral arguments were scheduled for September 2011 but are currently pending a new date due to scheduling conflicts.
CalPERS	Wachovia Capital Markets, Wachovia Securities, Ernst & Young and BDO Seidman, Le Nature's	04/2008	Seeking to recoup \$4.5 million in losses (PERF)	Attorneys: Peter H. Mixon; Quinn Emanuel Urquhart Oliver & Hedges, LLP  Program: Curtis Ishii (INVO)	In April 2008, CalPERS joined with 73 other plaintiffs in filing a securities litigation lawsuit against an investment bank and auditors related to their actions at Le Nature's Inc. The case has been filed in state court in Los Angeles, CA. After the Superior Court denied all of defendants' demurrers to the claims asserted in the group's amended complaint, settlement discussions were commenced and CalPERS and the others settled against two of the defendants. The action continues against Ernst & Young. To date our net recovery after legal expenses is over \$1.1 million.
Scott, Robitaille, et al.	CalPERS, Admail West, Graphic Center & American Mail	5/27/08	Unknown at this time. (PERF)	Attorney: Marguerite Seabourn, Henry Crowle; Ed Gregory (Steptoe & Johnson)  Program: (OSSD)	This case was filed by retirees of CalPERS whose social security numbers were printed on the outside of a CalPERS brochure in August 2007. Plaintiffs filed a Motion for certification of the class which was denied by the Court on September 3, 2009. Plaintiffs appealed in October 2009 and the appeal proceeded before the Second District Court of Appeal, who issued a June 10, 2011 decision affirming this Court's Order denying class certification.  CalPERS and other defendants have recently been served with an Offer to Compromise. Parties have engaged in settlement discussions and this case has been approved for mediation, which will be held before the end of the year.

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Jessica Belen	CalPERS et al.	6/6/08	Unknown at this time (PERF).	Attorney: Patricia Miles, James Spurling (DPA)  Program: (HRSD)	This is a discrimination complaint filed by a former employee. This case is set for trial on December 6, 2011. Plaintiff was ordered to submit to a medical examination and appear at a deposition. Plaintiff failed to appear. CalPERS counsel has filed a Motion for Terminating Sanctions which is set for hearing on November 10, 2011.
DiCarlo, Bass, Shapiro & Perez	County of Monterey, County of Monterey Sheriffs' Office, CalPERS, et al.	6/24/08	Unknown at this time (PERF).	Attorney: Wesley Kennedy  Program: (RAS)	This case contends that a Longevity/ Performance Stipend should be considered compensation and therefore part of the employees' final compensation calculations. Summary Judgment in favor of the County only, sustaining position shared by CalPERS staff, was granted on March 24, 2011. The Petitioners prematurely appealed. CalPERS' motion to dismiss the appeal and remand the case to the Superior Court for conclusion of proceedings was granted on August 24, 2011. The parties are now discussing a settlement.
City of Vallejo	CalPERS is a creditor with respect to the City's employees.  The four unions representing City employees are: – VPOA (police), CAMP (confidential, administrators and managers), IAFF (firefighters) and IBEW (electrical and other non-safety employees).	8/18/08	Unknown at this time (PERF).	Attorney: Patricia Miles; Steve Felderstein (Felderstein, Fitzgerald Willoughby & Pascuzzi)  Program: (LEGO)	The retirees are the creditors for future healthcare benefits, since the City pays CalPERS one year at a time. So far, the City has remained current on both health and retirement payments to CalPERS.  The City's Bankruptcy plan was approved on July 28, 2011 with no adverse impact on CalPERS. The plan leaves the City's pension obligations to its retirees intact and so represents a good outcome for CalPERS and its members. Equally important, the City's bankruptcy case did not result in a ruling approving the rejection of the City's pension contracts or the impairment of CalPERS' members vested rights to healthcare or pension benefits. Staff is reviewing questions raised by City concerning options for service credit purchase for employees and retirees.

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Shelia Richardson	CalPERS	11/13/08	Unknown at this time (PERF).	Attorney: Rory Coffey  Program: (BNSD)	The member filed a writ petition challenging the denial of her application for disability retirement. The Superior Court denied member's petition for writ. Member has filed a Notice of Appeal and the matter is now with the Court of Appeal. No briefing schedule has been provided yet.
CalPERS	Lehman Brothers Holding Inc. et al	11/18/08	Unknown at this time (PERF).	Attorney: Tom Noguerola, Steve Felderstein (Felderstein, Fitzgerald, Willoughby & Pascuzzi LLP)  Program: (INVO)	CalPERS holds approximately \$433,090,000 par value claims for bonds issued by Lehman Brothers Holding, Inc. (LBHI) in the LBHI bankruptcy case. If approved by the court, under the Debtor's amended distribution plan CalPERS will recover approximately 21.1 percent on its senior unsecured claims.  In addition, the LBI Trustee asserted an unrelated claim against CalPERS in connection with certain domestic equity trades. The Trustee asserts that CalPERS owed approximately \$3,369,283 plus interest in connection with the close out of approximately 1,000 failed securities trades that were to be settled on a DVP/RVP (Delivery versus Payment/Receipt versus Payment) basis for the account of CalPERS Domestic Enhanced Index Strategy. As of this date, the Trustee has not filed an action for recovery of this claim.
CalPERS	Richard S. Fuld, Jr. et al	6/7/11	Unknown at this time (PERF).	Attorney: Tom Noguerola, Darren Robbins (Robbins, Geller, Rudman & Dowd LLP)  Program: (INVO)	Related case to CalPERS v. Lehman Brothers Holding Inc. et al (above)  In February 2011, CalPERS filed a complaint in the Northern District of California alleging violations of the federal securities laws against certain of Lehman Brothers, Inc.'s officers, directors, and underwriters who made materially false and misleading statements about its financial condition causing Lehman's stock and bond prices to be artificially

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					inflated. CalPERS has settled the matter, and is awaiting final approval by the court.
Association of Bay Area Governments (ABAG)	CalPERS	5/6/09	Unknown at this time (PERF).	Attorney: Patricia Miles, Jeff Rieger (Reed Smith LLP)  Program: (RAS)	Writ of Mandate and Complaint for Declaratory Relief by employer seeking to reverse the Board Decision which granted the member past service credit based on an estoppel theory. This writ also sought an order that CalPERS, and not the employer, bear the cost of the benefits awarded to the member, on the theory that CalPERS made the error which gave rise to the estoppel. CalPERS filed a demurrer on several grounds. On June 10, 2010, the court determined that ABAG's claim was not ripe for adjudication, since the costs of the member's benefits had not yet been charged to it, and dismissed the case without prejudice.
California Attorneys, ALJ's and Hearing Officers in State Employment (CASE)	Governor Schwarzenegger; all Department Directors and CEOs who employ state attorneys in positions that are paid out of special funds (including CalPERS).	5/29/09	Unknown at this time (PERF).	Attorney: Marguerite Seabourn; Harvey Leiderman (Reed Smith LLP)  Program: (LEGO)	CASE filed a lawsuit seeking to invalidate the Governor's furlough orders, as applied to special fund agencies, in fiscal year 2009-2010. CalPERS is a named defendant. CASE prevailed, but the Alameda Superior Court judgment has been stayed pending appellate review.  Oral arguments at the Court of Appeal were held on September 1, 2011. We are awaiting a decision.
SEIU Local 1000 et al.	Governor Schwarzenegger, All Department Directors and CEOs who employ SEIU Local 1000 members in positions that are paid out of special funds (including CalPERS).	6/23/09	Unknown at this time (PERF).	Attorney: Marguerite Seabourn; Harvey Leiderman (Reed Smith LLP)  Program: (LEGO)	This is a companion case to the furlough litigation (CASE v. Schwarzenegger) originally filed in Alameda Superior Court, and seeks the same relief on the same bases. SEIU prevailed, but the Alameda Superior Court judgment has been stayed pending appellate review.  In July and August 2011, the First District Court of Appeal overturned 3 of the 4 Alameda County Court judgments and held that furloughs

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					were valid for all but 5 agencies that do not receive appropriations in the Annual Budget Act. SEIU petitioned the Supreme Court for review on one of these cases. Certiorari was denied on September 22, 2011.
CalPERS	Moody Corp.; Fitch Inc.; Standard & Poor's	7/9/09	Unknown at this time (PERF).	Attorney: Peter Mixon and Tom Noguera, Joe Tabacco (Berman DeValerio)  Program: (INVO)	CalPERS initiated this litigation in state court to recover losses incurred in the Structured Investment Vehicles (SIV's) that were acquired as part of the CalPERS securities lending program. In late 2007 and 2008 the SIV's collapsed, defaulting on their obligations to CalPERS and other senior note-holders. CalPERS filed its complaint on July 9, 2009, alleging negligent misrepresentation and interference with prospective economic advantage by the rating agencies. In late 2009 the defendants removed the case to federal court, but CalPERS prevailed on its motion for remand to state court. Defendants have filed an anti-SLAPP motion. The Superior Court determined that defendants met their burden under the first prong of the anti-SLAPP statute finding, among other things, that the electronic transmission by the rating agencies of SIV ratings at least implicates First Amendment concerns. CalPERS recently filed a response, asserting that, among other things, our claim for negligent misrepresentation has "minimal merit" sufficient to withstand defendants' assertions. The court heard initial arguments on the second prong of the anti-SLAPP motion on September 9, 2011 and will hear final arguments on October 28, 2011, at which time the court is expected to make an oral ruling.  On August 25, 2011, CalPERS agreed to voluntarily dismiss the Fitch defendants. The case will continue against Moody's, and Standard & Poor's.

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Darlene Davies Hines	Marilyn L. Parker, Kenneth Hines  CalPERS is a Claimant in this action.	8/3/09	Unknown at this time (PERF).	Attorney: Rory Coffey  Program: (BNSD)	This case is a dispute between the ex-wife and the designated beneficiary of a member's death benefit. At issue is the value of the ex-wife's community interest in the death benefit. The court hearing was held on August 30, 2011 however the matter was not concluded. The hearing was continued to January 3, 2012.
CalPERS	Governor Arnold Schwarzenegger; Dept. of Personnel Admin. (David Gilb) and State Controller (John Chiang)	8/19/09	Unknown at this time (PERF).	Attorney: Peter Mixon; Harvey Leiderman (Reed Smith)  Program: (LEGO)	CalPERS initiated this litigation in San Francisco Superior Court seeking to invalidate the furloughs, as applied to CalPERS, in fiscal year 2009-2010. The Court denied the Board's initial motion for a writ, but there is no final judgment and the case is on hold pending the outcome of other furlough challenges that have been working their way through the appellate process since last year.
California (State of), ex rel Fowler, et al.	Caremark RX, Inc. et al.  CalPERS is not a party to this action.	9/17/09	Unknown at this time (PERF).	Attorney: Micki Winsett Gibbs, Ed Gregory (Steptoe & Johnson)  Program: (HPP)	False claims lawsuit involving qui tam plaintiffs and Caremark, RX, Inc. A tentative settlement has been reached.
California (The People of the State of)	State Street Bank and Trust Company, et al.  CalPERS is not a party to this action.	10/2009	Unknown at this time (PERF).	Attorney: Marte Castanos  Program: (LEGO)	The California Attorney General intervened under the California False Claims Act with respect to claims that State Street Bank failed to provide CalPERS and CalSTRS with competitive rates on foreign currency trades as promised under contract. This case is in the discovery stage.
In re Marriage of Steed	CalPERS is a Claimant in this action.	10/21/09	Unknown at this time (PERF).	Attorney: Elizabeth Yelland  Program: (RAS)	Judgment awarded member's ex-wife community property interest in retirement benefits, however, the domestic relations order was not administrable, and ex-wife died prior to revision. The 3 children are claiming their mother's community

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					<p>property interest in the retirement benefits. Mr. Steed wants the community property portion awarded to ex-wife to revert back to him.</p> <p>On September 19, 2011, the children filed a petition for an order determining the community property interest in Mr. Steed's pension plan in Probate Court. Included in the petition is a new domestic relations order, which contains a calculation for division of the pension pursuant to the time rule, makes revisions requested by CalPERS, and makes revisions to reflect Mrs. Steed's death.</p> <p>A hearing in Probate Court has been set for December 29, 2011, and it is anticipated that proceedings will continue into 2012 to obtain a court order that will authorize CalPERS to release funds and make payments to the children as beneficiaries of mother's community property interest.</p>
Senior Housing Capital, LLC, and SHP Asset Management LLC	SHP Senior Housing Fund, Seaport Senior Housing Management LLC, and CalPERS	11/5/09	Unknown at this time (PERF).	<p>Attorney: Javier Plasencia, Pillsbury Winthrop Shaw &amp; Pittman</p> <p>Program: (INVO)</p>	Case regarding severance compensation and asset valuation of partnership. Case was filed and will be heard in Delaware court. Active discovery is now under way. Expert witnesses have been retained and depositions for potential witnesses are being scheduled. We anticipate a potential trial date in late 2012.
Jeffrey Martin Jones	CalPERS is not a party to this bankruptcy action.	11/18/09	Minimal (PERF).	<p>Attorney: Renee Salazar, Mike Hammang (Attorney General's Office)</p> <p>Program: (LEGO)</p>	This is a Chapter 7 bankruptcy case in which CalPERS has asserted a claim. Records have been subpoenaed from Bank of America and forwarded to Deputy Attorney General for filing with petition to the Bankruptcy court.

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Los Osos Community Services District	CalPERS is a creditor in this action.	11/23/09	Unknown at this time (PERF).	Attorney: John Mikita  Program: (LEGO)	This Chapter 9 government reorganization case is still pending in the bankruptcy court. No CalPERS contracts have been impacted thus far because the employer is current on its payments.
International Union of Operating Engineers	Governor Schwarzenegger, CalPERS (Anne Stausboll)	12/16/09	Unknown at this time (PERF).	Attorney: Marguerite Seabourn  Program: (LEGO)	<p>This case, in Los Angeles Superior Court, is similar to the two cases (CASE and SEIU) filed in Alameda Superior Court regarding the Governor's mandated furloughs. The parties have agreed to stay the proceedings in this case pending resolution of the Alameda cases (and other pending furlough litigation that might impact this case).</p> <p>We are informed that the principal parties (IUOE and the Brown administration) are in the process of executing a stipulated dismissal of the case with prejudice. We expect a dismissal be filed shortly.</p>
Carmen Parra	CalPERS	1/20/10	Unknown at this time (PERF).	Attorney: Rory Coffey  Program: (BNSD)	This complaint involves a dispute between former spouses regarding the community property retirement benefit. A trial was held on September 30, 2011. Court denied the complaint. Order has been provided to the Court.
Glenda L. Hall	CalPERS	2/1/10  Discrimination complaint filed (8/25/03)	Minimal (PERF).	Attorney: Marguerite Seabourn, Henry Crowle  Program: (HRSD)	A discrimination complaint was initially filed by the member against CalPERS (on August 23, 2003) and CalPERS was awarded attorneys fees and litigation costs. CalPERS is now pursuing a collections action for attorneys fees and costs against the member due to non-payment. The Abstract for Judgment was filed in Sacramento Superior Court and a Notice of Judgment Lien was filed with the Secretary of State.
CalPERS	Rachel (& Robert) Russell	2/25/10	Minimal (PERF).	Attorney: John Mikita	This case involves payments made pursuant to Long Term Care coverage of the member. CalPERS

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				Program: (LEGO)	filed a Proof of Claim in bankruptcy court, disposition is pending.
Josephine Okwu	CalPERS, Caltrans	3/23/10	Unknown at this time (PERF).	Attorney: Rory Coffey  Program: (BNSD)	The member was granted disability retirement and she then applied for re-evaluation under the reinstatement statute, which was denied. The member filed a writ petition challenging the denial of her reinstatement. The Superior Court denied member's petition for writ. Member has filed a Notice of Appeal and the matter is now with the Court of Appeal. CalPERS has not yet received member/appellant's brief.
Josephine Okwu	Cindy McKim; Judith Smith; Dave Schaefer; Anne Stausboll; Peter Mixon; Rory Coffey; Donna Ramel Lum	4/22/11	Unknown at this time (PERF).	Attorney: Rory Coffey, Gregory Valenza (Shaw Valenza LLP)  Program: (BNSD)	Member filed a case in federal court alleging civil rights violations against Peter Mixon, Rory Coffey, Donna Lum and Anne Stausboll (all of whom are sued in their individual capacities). Judgment of dismissal in favor of defendants, entered on January 19, 2011; Okwu appealed to the 9th Circuit on February 11, 2011.  Both Okwu and CalPERS have filed opening briefs. CalTrans' brief was filed September 30, 2011. Okwu's reply brief to CalTrans was filed October 13, 2011.
CalPERS	David A. Mulford	3/24/10	Minimal (LRS).	Attorney: Rory Coffey  Program: (BNSD)	Collection action. The member signed a settlement agreement to make monthly payments regarding an overpayment. File is under review by attorney.
Williene Davis and Willette Jacobs	CalPERS	1/14/11 (EEOC)  4/19/10 (Superior Court, Motion to Compel CalPERS to pay benefits) dismissed	Minimal (PERF).	Attorney: Marguerite Seabourn, Kristin Daily (Deputy Attorney General)  Program: (BNSD)	For 14 years, the members have claimed their disability retirement allowances are improperly calculated. In February 2011, the court declared the members "vexatious litigants" under Cal. Code of Civ. Proc. §391. The order prohibits them from filing any new litigation in the courts of this state <i>in propria persona</i> , without first obtaining leave of the presiding judge of the court where the litigation is proposed to be filed. The presiding

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		6/24/10  2/4/08 (re-filed in Superior Court, numerous cases consolidated); erroneous default judgment against CalPERS 7/31/09  9/30/05 (re-filed in Superior Court); dismissed 7/19/06  10/31/02 (Superior Court); dismissed 8/12/03			<p>judge shall permit the filing of a case only if it appears that the litigation has merit and has not been filed for the purpose of harassment or delay. The presiding judge may condition the filing of any litigation on the furnishing of security of \$25,000 for the benefit of the defendants. This judge also provided by order that the members cannot file any further pleadings or motions in any currently existing or past cases filed in California.</p> <p>On January 14, 2011, CalPERS received notice of a new filing of an EEOC discrimination complaint by Willette Jacobs. CalPERS' attorney wrote to the EEOC enclosing a copy of the frivolous litigant order and we have heard nothing since.</p>
Michael Dragovich (Legal Aid Society, Employment Law Center in San Francisco), et al.	CalPERS, United States Government (US Department of the Treasury)	4/28/10	Unknown at this time (PERF).	<p>Attorney: Ed Gregory (Step toe &amp; Johnson), Micki Winsett Gibbs</p> <p>Program: (OLTC)</p>	Federal court case regarding Long Term Care eligibility (during open enrollment) of same-sex spouses that alleges an Equal Protection violation and Civil Rights Act (section 1983) violations. On August 12, 2011, a proposed second amended complaint was filed adding additional plaintiffs. On August 22, 2011 the court granted parties' stipulation to second amended complaint and set briefing schedule. Motion to Dismiss re: domestic partner plaintiffs hearing set for October 27, 2011 in Oakland. Judge stated she was not likely to grant dismissal.
Gary Chaffee	CalPERS  City of Rialto (Real	5/10/10 (Court of Appeal)	Unknown at this time (PERF).	Attorney: Rory Coffey	The member's application for CalPERS membership (as a Part-time Excluded Employee) was denied and

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	Party in Interest)	06/09/09 (Superior Court)		Program: (RAS)	<p>that denial was upheld by the Administrative Law Judge in the Proposed Decision which went before the Board on February 19, 2009. The member appealed the Board Decision which adopted the Proposed Decision as final, by Petition for Writ of Mandate filed on May 29, 2009.</p> <p>CalPERS filed its answer to the writ on July 29, 2009. The Writ hearing occurred on March 2, 2010, and the Superior Court found in favor of the member. CalPERS and the Real Party in Interest appealed the Superior Court decision.</p> <p>Briefing has been completed and the record has been lodged with the court. Oral argument date is set for November 16, 2011.</p>
Deaf and Hard of Hearing State Workers United	State of California, Governor Schwarzenegger CalPERS, California Dept. of Rehabilitation, California Dept. of Justice, California Dept. of Social Services	5/21/10	Unknown at this time (PERF).	<p>Attorney: Henry Crowle, Fiel Tigno and William McMahon (Cal. Attorney General's Office)</p> <p>Program: (LEGO)</p>	<p>CalPERS was named as a defendant (among other agencies and the State of California and Gov. Schwarzenegger) in a lawsuit filed by seven individually named plaintiffs and Deaf and Hard of Hearing State Workers United for discrimination and lack of reasonable accommodation.</p> <p>The AG advised that the case against the Governor and the State of California has been dismissed pursuant to motion. Plaintiffs advised that they intend to appeal the dismissal of the State and the Governor, and move the court to allow two new defendants (CHP and CalTrans). Defendants will move for judgment on the pleadings for misjoinder. A demurrer to the Amended Complaint was filed on the basis of misjoinder of defendants and plaintiffs, lack of standing, that the injunctive relief sought is contrary to Separation of Powers, and failure to exhaust administrative remedies. The hearing was to have been heard on September 20, 2011 and has been continued to November 2, 2011.</p>

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City of Pleasanton (James Linhart)	CalPERS	6/22/10	Unknown at this time (PERF).	Attorney: Patricia Miles; Harvey Leiderman & Jeff Rieger (Reed Smith LLP)  Program: (RAS)	The City of Pleasanton is appealing a Board Decision on behalf of itself and six retired safety (fire) members that standby pay is not included in final compensation. This Writ challenges the substantive findings of the Board Decision (which adopted the ALJ's Proposed Decision), but also makes a due process challenge to the Board agenda item procedures. The Superior Court granted this appeal. CalPERS appealed to the Court of Appeal on July 12, 2011. Opening brief is due in early January 2012.
Emily Liou (incompetent adult by and through Vivian Li-Huey Ma-Liou and Shysheng-Liou)	CalPERS, Blue Cross of California	7/9/10	Unknown at this time (Health).	Attorney: Rory Coffey  Program: (HAS)	Emily Liou is a minor who was injured in an automobile accident and her Guardian ad Litem (Vivian Li-Huey Ma-Liou and Shysheng-Liou) allege a breach of contract on the grounds that CalPERS has failed to properly pay for medical and other services rendered to the minor as a result of her injuries. The Guardian ad Litem filed a complaint for breach of contract, breach of the covenant of good faith and fair dealing, infliction of emotional distress, negligence, and the violation of the Consumer Legal Remedies Act (Civil Code §1750). CalPERS filed a demurrer in September 2010, on the basis that the Liou's have failed to exhaust the administrative remedies available to them. The trial date is set for October 15, 2012.
Phillip Molina	CalPERS, City of Oxnard	7/9/10 (Court of Appeal)  6/11/09 (Superior Court)	Minimal (PERF).	Attorney: Marguerite Seabourn; Ed Gregory (Steptoe & Johnson)  Program: Mary Lynn Fisher (BNSD)	The member claims that his final compensation calculation should include the amount of a settlement award with his employer (\$875,000) so that his monthly salary for final compensation purposes would be \$72,916.66. CalPERS calculated the member's retirement allowance based on his highest twelve months of salary without including the settlement award. The member appealed the Board Decision which upheld CalPERS' denial of the

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OPEN CASES (in order by Date Received)

Plaintiff	Defendant(s)	Date Received	Potential* Monetary Impact on the Fund**	Attorney & Program Contact	Issues/Status
					member's request to include the settlement allowance as compensation. The Superior Court upheld the OAH decision in CalPERS' favor, and member appealed to the Second District Court of Appeal. On September 29, 2011, the Court of Appeal issued a decision upholding CalPERS' position. CalPERS has requested that this decision be published, and it has been certified for publication.
Pomona Valley Hospital Medical Center	CalPERS	8/12/10	Unknown at this time (PERF).	Attorney: Marguerite Seabourn, Henry Crowle  Program: (Health)	Anthem Blue Cross sued Pomona Valley Hospital Medical Center (a former contractual provider to Anthem) for declaratory relief in the interpretation of the provider contract to which each was a party. Now, Pomona Valley has cross-complained against several Blue Cross entities and CalPERS, seeking various reimbursements for billed charges incurred after its contract terminated with Anthem. CalPERS was served with this cross-complaint on August 12, 2010. CalPERS tendered its defense to Anthem pursuant to the terms of its third party administrator contract with Anthem, which was accepted. We are now on the fourth amended cross-complaint. The previously scheduled trial date of September 21, 2011 was continued to October 31, 2011. It is a bifurcated trial and we are advised that CalPERS will not be involved in the first phase.
Leonard Chaidez and City of Hawaiian Gardens	CalPERS	8/19/10 (Court of Appeal)  9/18/07 (Superior Court)	Unknown at this time (PERF).	Attorney: Wesley Kennedy  Program: (RAS)	Former employee and current Council Member of City of Hawaiian Gardens disputed the computation of his pension benefit and filed a petition for writ of mandamus alleging that CalPERS has violated its fiduciary duties to "fully inform its members." The writ action was stayed pending an OAH hearing on similar issues in December 2007. OAH found for CalPERS and the Board adopted the

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					Decision on June 19, 2008. The member filed a petition for writ of mandamus to overturn the Board decision and moved to lift the stay on the prior writ. On June 17, 2010, the Superior Court denied the Petition for Writ of Mandate. On August 19, 2010, the member appealed the Superior Court decision to the Court of Appeal. Appellants' Opening Brief was filed August 25, 2011. CalPERS' Responsive Brief is to be filed by November 28, 2011.
CalPERS & CalSTRS	Governor Arnold Schwarzenegger; Dept. of Personnel Admin. and State Controller (John Chiang)	8/23/10	Unknown at this time (PERF).	Attorney: Marguerite Seabourn, Harvey Leiderman (Reed Smith LLP)  Program: (LEGO)	CalPERS and CalSTRS initiated this original writ petition in the California Supreme Court seeking to invalidate the furloughs, as applied to CalPERS and CalSTRS, in fiscal year 2010-2011. The California Supreme Court declined to hear the matter without prejudice to CalPERS filing the case in Superior Court. CalPERS has not done so, because following the court's order, the court rendered its PECG decision validating the furloughs. That opinion essentially mooted our petition.
John P. Burnham and James E. Burnham, II	CalPERS, Kathleen S. Honeyman	8/30/10	Minimal (PERF).	Attorney: Henry Crowle  Program: (BNSD)	This case involves a dispute between a member's significant other and his natural surviving children regarding the death benefit owed. A dispute exists regarding the validity of the domestic partnership registration of the member and his alleged surviving partner. At a Full Board Hearing, the Board found for the surviving partner, recognizing her domestic partnership based on putative spouse principles. The children filed a Writ of Mandamus and the Superior Court granted the writ, ordering CalPERS to set aside its decision. The surviving partner appealed to the Third District Court of Appeal. Appellant filed her opening brief on September 14, 2011. CalPERS' response brief was filed on October 14, 2011.

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David Yost	CalPERS	9/2/10	Unknown at this time (PERF).	Attorney: Marguerite Seabourn, Wesley Kennedy, Ed Gregory (Steptoe & Johnson)  Program: (RAS) Debra Mallory	Putative class action lawsuit claiming that CalPERS forced members to pay for additional service credit purchases when they will not get any benefit from those purchases because they disability retired instead of service retired. Superior Court granted CalPERS' motion to dismiss entire proceeding. Plaintiffs filed a Notice of Appeal on May 12, 2011. Appellants's Opening Brief is due on December 9, 2011 pursuant to stipulation.
Mable Wilson (Alice Watson-Boyd)	CalPERS, Joseph Boyd	12/3/10	Minimal (PERF).	Attorney: Marguerite Seabourn, Niromi Pfeiffer (Cal. Attorney General's Office)  Program: (BNSD) Julie Watson	CalPERS was served with a petition for writ by Mable Wilson regarding the death benefits of Alice Watson-Boyd on May 25, 2011. Case Status Conference scheduled for December 14, 2011.
David Tomlinson	Marsha Tomlinson	1/13/11	Unknown at this time (PERF).	Attorney: Rory Coffey  Program: (RAS)	Order to show cause for contempt. CalPERS complied with the interim order regarding disbursement of amount being withheld by community property unit. No order has been received dividing the community property interest in the retirement benefit. The attorney for member filed an Order to Show Cause why CalPERS should not be held in contempt for withholding federal income taxes from payment. Staff negotiated a settlement and member requested dismissal of OSC.
Krishna Kirpalani	CalPERS	3/16/11	Unknown at this time (PERF).	Attorney: Patricia Miles  Program: (RAS)	The member filed a petition for writ of mandate challenging the calculation of her final compensation on March 16, 2011. At hearing on October 24, 2011, the court granted the writ. CalPERS is considering whether to appeal this decision.

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Michael Desrys et al.	Medco, Fred Buenrostro, Kurato Shimada, Charles Valdez	3/17/11	Unknown at this time (PERF).	Attorney: Micki Winsett Gibbs  Program: (OLTC)	Class action complaint for equitable and monetary relief filed by Michael Desrys (member of CalPERS who receives health care coverage through his membership), and all others similarly situated.  Legal is monitoring this case though CalPERS Staff/Board members are not named in their official capacities.  This case has been dismissed.
Patricia Pechtel	CalPERS	3/24/11	Unknown at this time (PERF).	Attorney: Greg Valenza (Shaw Valenza LLP)  Program: (LEGO)	Plaintiff alleges that the system unlawfully retaliated against her for reporting a hostile work environment.  CalPERS filed a demurrer to Plaintiff's complaint on July 15, 2011. On September 30, 2011, the court sustained CalPERS' demurrer with leave for Plaintiff to amend the complaint. Plaintiff filed and served an amended complaint on October 11, 2011, and CalPERS filed a second demurrer on October 21, 2011.
Daniel Francis	CalPERS  J. Clark Kelso; Judicial Council of California; Administrative Office of the Courts; California Prison Healthcare Receivership Corporation (Real Parties in Interest)	4/19/11	Unknown at this time (PERF).	Attorney: Wesley Kennedy  Program: (RAS)	Petition for writ filed on April 19, 2011 regarding CalPERS' authority to extend retirement benefits to J. Clark Kelso.  CalPERS filed a demurrer, which was heard on August 12, 2011 and granted in part and denied in part. Amended complaint to join Kelso, Administrative Offices of the Courts and California Prison Health Care Receiver Corporation served September 13, 2011. All further briefing is stayed pending a decision on petitioner's standing under 526a. Parties to complete briefing on this issue February 22, 2012. Schedule for further briefing and hearing on all other issues to be set at that time.

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Ralph Chandler	CalPERS	5/12/11	Unknown at this time (PERF).	Attorney: Jeanlaurie Ainsworth, Jeff Rieger (Reed Smith LLP)  Program: (RAS)	Writ after Proposed Decision adopted by the Board, denying the member's request for increased pension benefits based on employment with Cooperative Personnel Services. An answer to the writ was filed on August 5, 2011. This matter has not yet been set for hearing.
Robert Marzec, Rachel Healy, Benjamin Esparza	CalPERS	5/19/11	Unknown at this time (PERF).	Attorney: Wesley Kennedy, Ed Gregory (Steptoe & Johnson)  Program: (RAS)	Complaint for damages, equitable relief, rescission, and injunctive relief for CalPERS' failure to properly credit member for Additional Retirement Service Credit (ARSC) purchase when member retires on IDR and ARSC no longer benefits him/her.  Initial status conference was set to be heard on October 13, 2011. Plaintiff's Motion to partially lift stay on discovery and deem government claim to be timely presented to the Victim Compensation and Government Claims Board set to be heard at case management conference on October 19, 2011, but was continued to October 28, 2011. Hearing on motion re: government claim issues set for December 2011.
Richard R. Lane	CalPERS; Anne Stausboll; Robert Feckner	5/19/11	Unknown at this time (PERF).	Attorney: Rory Coffey  Program: (RAS)	Member is appealing the Order Granting Motion to Dismiss his claim regarding his final compensation. This case is now in the U.S. Court of Appeals. Member filed his opening brief on September 30, 2011 and CalPERS' answering brief is due October 31, 2011.
Joseph Banuelos	CalPERS	5/27/11	Unknown at this time (PERF).	Attorney: Rory Coffey  Program: (BNSD)	Petition for writ of mandate filed March 24, 2011 by Diana Banuelos as surviving spouse of Joseph Banuelos, challenging the cancellation of his disability retirement application due to termination for cause. Awaiting communication regarding a briefing schedule from the Superior Court.

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CalPERS	Countrywide Financial Corporation, Bank of America Corporation, Angelo R. Mozilo, David Sambol, and Eric P. Sieracki	5/31/11 (filed in Los Angeles County Superior Court); 7/28/11 (filed in Federal District Court for the Central District of California)	Unknown at this time (PERF).	Attorney: Warren Astleford, Marte Castanos  Program: (INVO)	In October 2010, CalPERS opted out of a class action settlement with respect to its purchase/acquisition of Countrywide common stock and bonds. The underlying class action settlement attempted to resolve all claims that Countrywide made false and misleading statements in a prospectus or registration statement in connection with the sale of Countrywide notes, and that Countrywide and others violated, among other things, Sections 10(b) and 20(a) of the Securities and Exchange Act of 1934 by making false and misleading statements in connection with the sale of Countrywide stock. After an initial mediation effort failed, CalPERS filed a suit in the Los Angeles County Superior Court on May 31, 2011 and a related federal action in the Central District of California on July 28, 2011. A second mediation occurred in September 2011. The outcome of the second mediation is not final.
Deutsche Bank and Trust Company Americas, et al	CalPERS, UC Regents, and CalSTRS	6/2/11	Unknown at this time (PERF).	Attorney: Warren Astleford, Marte Castanos; Berman Devalerio  Program: (INVO)	This case arises from the leveraged buyout of the Tribune Company in 2007, a publicly traded company in which CalPERS held shares at the time of the buyout. Plaintiffs, as trustees of certain creditors of the Tribune Company, allege that the buyout unjustifiably enriched the defendants as former shareowners of the Tribune Company. Plaintiffs seek to avoid and recover, as constructively fraudulent conveyances, all transfers of any proceeds received by CalPERS and the other defendants in connection with the buyout. As of August 2, 2011, with some small exceptions, the action is stayed pending further order of the United States Bankruptcy Court which is proceeding over a related action not involving CalPERS that may have a material impact on this case.

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Perry Beckley	CalPERS	9/7/11	Unknown at this time (PERF).	Attorney: Patricia Miles  Program: (BNSD)	Petition for writ of mandate regarding denial of member's disability retirement. A case management conference is scheduled for November 21, 2011, and the hearing set for December 6, 2011.
Alfred R. Villalobos, ARVCO Capital Research LLC, and ARVCO Financial Ventures LLC	CalPERS, Robert Feckner	9/21/11	Unknown at this time (PERF).	Attorney: Peter Mixon, Marguerite Seabourn, Wesley Kennedy, John Desmond & Scott Schoenwald (Jones Vargas)  Program: (LEGO)	Complaint filed in the Ninth Judicial District Court of Nevada for tortious interference with contract, tortious interference with prospective economic advantage, and defamation (slander and libel). Plaintiffs are seeking compensatory and punitive damages on all 3 causes of action. CalPERS has retained Nevada Counsel (Jones Vargas) and filed a motion for dismissal for lack of personal jurisdiction.

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